

# Waste Lands and Peasants Dwellings (Ireland) Bill.

## ARRANGEMENT OF CLAUSES.

### Clause.

1. Short title.
2. The Irish Church Temporalities Commission dissolved.
3. Appointment of new Commissioners.
4. Commissioners to be a body corporate.
5. Defining power of a Commissioner.
6. Commissioners have power to appoint and remove all officers, agents, &c.
7. Powers given to the Commissioners.
8. Commissioners shall make byelaws and all other regulations.
9. All properties and incomes of Irish Church Temporalities Commissioners shall pass into the hands of the Commissioners appointed by this Act.
10. Commissioners of Irish Church Temporalities restrained from unduly compromising or letting or selling property below fair value.
11. Sale of tithes rentcharge to owners of land.
12. Commissioners may purchase surrender or assignment of lease.  
Power to Commissioners to sell property vested in them by this Act. Orders of Commissioners operating as conveyance, &c. to be liable to same stamp duty. Payment of money into bank.
13. Accounts of capital and revenue.
14. Power of Commissioners to accept mortgages as security for a portion of purchase money.
15. Sales of lands, &c. may be made in Landed Estates Court.
16. Provisions for other persons under disability.
17. Provision as to incapacitated owners.
18. Power to officers of Commissioners to enter upon land.

### *Power of the Commissioners to raise money.*

19. Commissioners to raise money for the purposes of this Act.  
Power to Treasury to advance money to Commissioners.

[Bill 280.]

a



A  
B I L L

TO

Provide for the purchase of Waste Lands and the erection of  
Peasants Dwellings in Ireland out of the surplus funds of  
the Commissioners of Church Temporalities in Ireland.

A.D. 1876.

WHEREAS it is expedient that provision shall be made for  
collecting in and realising into cash as speedily as may be  
consistent with the interest of the fund the various assets, rents,  
incomes, lands, buildings, and such other items of property as the  
5 aforesaid Commissioners of Irish Church Temporalities are seized  
of and in possession under seal as a corporation, appointed under  
Act thirty-two and thirty-three Victoria, chapter forty-two, for  
paying off and liquidating all liabilities which, in their operations  
to put an end to the establishment of the Church of Ireland,  
10 they incurred and assumed in conformity with their appointment  
by Her Majesty:

And whereas it appears from the official reports of the said  
corporation under date thirty-first December one thousand eight  
hundred and seventy-five and of subsequent dates, that they have  
15 settled substantially all claims which the Church of Ireland and the  
other principal religious bodies of Ireland had made upon the  
Government, and upon the sequestered property and incomes of the  
Church of Ireland; a few annuitants who refused commutation  
only now remain to be dealt with, whose incomes periodically de-  
20 creasing by deaths is reduced to twenty-seven thousand pounds a  
year; and there appears by the lowest computation of the said  
commissioners, after allowing for the debt of eight millions sterling  
(or thereabouts), due to the Commissioners for the Reduction of the  
National Debt, to be yet assets, rents, incomes, and lands worth as  
25 a surplus *five million pounds sterling*, being the residuum of the  
property of the said Church of Ireland:

And whereas it is enacted by thirty-two and thirty-three Victoria,  
chapter forty-two, one thousand eight hundred and sixty-nine, that  
such surplus, clause sixty-eight, should be appropriated mainly to the

[Bill 280.]

A

A.D. 1875. relief of unavoidable calamity and suffering, yet not so as to cancel or impair the obligations now attached to property under the Acts for the relief of the poor; be it further enacted, that the said proceeds shall be so applied accordingly in the manner Parliament shall hereafter direct:

And whereas it has been made known to Her most Gracious Majesty the Queen, that great distress prevails amongst Her Majesty's subjects in Ireland by reason of the want of suitable dwellings for the working classes in rural districts and in populous places: and moreover that the close crowding of agricultural population into towns and cities tends very materially to generate habits of intoxication, immorality, and crime:

And whereas it has been made known to Her Majesty the Queen, that vast tracts of mountain and bog land are lying unclaimed and utterly waste in Ireland, which might, if purchased from the present owners, and subdivided into small agricultural tenements of ten, fifteen, or twenty acres each, on which suitable cottages may be erected for the support and habitation of the classes aforesaid, would tend to afford support to great numbers of the houseless and homeless portion of the population:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Irish Waste Lands and Peasants Dwelling Act, 1876."

The Irish Church Temporalities Commission dissolved.

2. On and after the *first day of January one thousand eight hundred and seventy-seven*, the said corporation entitled "The Commissioners of the Irish Church Temporalities, thirty-two and thirty-three Victoria, chapter forty-two," shall cease and be dissolved, and all its assets, properties, books, maps, correspondence, documents, and papers of every kind shall be handed over to and shall vest in such three Commissioners as Her Majesty or her successors shall hereafter be pleased to appoint for the purposes of this Act.

Appointment of new Commissioners.

3. The Commissioners appointed by Her Majesty the Queen in pursuance of the provisions of this Act shall hold office during Her Majesty's pleasure, and in the event of any vacancy occurring in the office of any Commissioner by death, resignation, incapacity, or removal, Her Majesty or her successors may, by warrant under the royal sign manual, appoint some other fit person or persons to fill such vacancy.

4. The Commissioners under this Act shall be a body corporate with a common seal in perpetuity, with a capacity to acquire, purchase, and hold lands in Ireland, to subdivide the same into convenient farms and tenements, to erect cottage dwellings on the same, and also in populous places to let such lands and dwellings from the Crown at reasonable rents, for terms of not less than (999) nine hundred and ninety-nine years, to collect the rents of such tenancies by their agents and servants, and apply such rents and incomes, after defraying the proper expenses of this Commission, to an accumulating fund, which shall be subsequently and continuously applied to the purchase of tracts of land in Ireland and to their subdivision, and the erection of suitable dwellings for the use of the industrial classes in Ireland. Judicial notice shall be taken by all courts of the corporate seal and authority of the Commissioners, and any order or other instrument sealed therewith shall be received as evidence without further proof.

A.D. 1876.  
Commissioners to be a body corporate.

5. Any power or act vested by this Act in or authorised to be done by the Commissioners under this Act, may be exercised or done by any one of them, with this qualification, that any person aggrieved by any order of one Commissioner may require his case to be heard by the three Commissioners, from whose decision there shall be no appeal to any other court, save to a court of quorum of three members of the Privy Council of Ireland, whose order in the appeal shall be final.

Defining power of a Commissioner.

6. The said Commissioners, hereafter referred to as "the Commissioners," may from time to time appoint and remove secretaries, officers, agents, architects, actuaries, lawyers, surveyors, and other such employees as they shall deem necessary for the purposes of this Act, and fix the salaries, fees, and all charges on the fund for their services; but no officer appointed under this Commission, save the Commissioners and their chief secretary, shall be entitled to draw a higher salary than *three hundred pounds* a year; and to every Commissioner appointed in pursuance of this Act, a salary not exceeding *one thousand pounds* a year shall be paid, and to the chief secretary of the Commissioners a salary not exceeding *five hundred pounds* a year shall be paid; and for all officers under that of chief secretary the appointment to same shall be made by a full board of the three Commissioners, after advertisements shall be put into two public newspapers of largest circulation in Ireland inviting applications and testimonials of fitness from candidates, which shall be opened and considered only in presence of a full board of three

Commissioners have power to appoint and remove all officers, agents, &c.

A.D. 1876. Commissioners. All salaries and incidental expenses to be incurred in pursuance of this Act, and in carrying its purposes into operation, are to be reviewed once in every month by a full board of Commissioners, and by them ordered or disallowed.

Powers  
given to the  
Commissioners.

7. Subject to such appeal as is already provided by section five of this Act, the Commissioners shall have full power to decide all questions whatsoever, whether of law or of fact, which it may be necessary to decide for the purposes of this Act; and they shall not be subject to be restrained in the due execution of their duties under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court; and with respect to the following matters, that is to say,

- (1) Enforcing the attendance of witnesses after a tender of their expenses, the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents;
- (2) Issuing any commission for the examination of witnesses;
- (3) Punishing persons refusing to give evidence, or produce documents, or being guilty of contempt in the presence of the Commissioners, or any one of them, sitting in open court;
- (4) Making or enforcing any order whatever made by them for the purpose of carrying into effect the purposes and intentions of this Act;

the Commissioners shall have all such powers, rights, and privileges as are vested in the High Court of Chancery for such or the like purposes, and all proceedings before the Commissioners shall be deemed to be judicial proceedings before a court of record. The Commissioners may review and rescind or vary any order or decision previously made by them or by any of them, but save as aforesaid in clause five every order or decision of the said Commissioners shall be final.

Commissioners shall make bye-laws and all other regulations.

8. The Commissioners shall circulate public announcements and advertisements and prepare all forms of applications to them, they shall from time to time make, and when made, rescind, amend, or add to, such general rules as they may think best adapted for regulating the course of procedure under this Act, and generally for securing the due execution of the powers vested in them by this Act and giving effect to the provisions, provided that every such general rule shall be laid before Her Majesty's Privy Council in Ireland; and it shall be lawful for such Privy Council or a quorum of three

of its members, from time to time as occasion requires, to confirm or disallow any such rule, to alter, amend the same, and remit such alterations and amendments to the Commissioners, which rules, when so sanctioned by the Commissioners and the Privy Council aforesaid, shall be enrolled in the High Court of Chancery in Ireland; and when so enrolled shall be binding on the Commissioners until the same or any one of them shall be altered by Commissioners and the Privy Council in accord, and such alteration enrolled in the High Court of Chancery of Ireland.

A.D. 1876.

- 10 9. *From and after the passing of this Act* all property, real and personal, rents, dues, debts, and assets of every kind, books, papers, and documents, vested in or belonging to the Ecclesiastical Commissioners for Ireland or to the Commissioners appointed to dis-  
15 establish and dissolve the Church of Ireland under the thirty-second and thirty-third Victoria, chapter forty-two, A.D. 1869, is hereby transferred to and vested in the Commissioners appointed under this Act and their successors, subject to all tenancies, charges, incumbrances, rights, including tenant's rights of renewal or liabilities affecting the same, and the corporation known as "the Commissioners  
20 of Irish Church Temporalities of Ireland" as aforesaid is hereby dissolved.

All properties and incomes of Irish Church Temporalities Commissioners shall pass into the hands of the Commissioners appointed by this Act.

And to prevent the possibility of the practice of any collusion or favouritism detrimental to this fund escaping the control of the Commissioners to be herein appointed by Her Majesty the Queen :

- 25 10. Be it enacted that any grant, bargain, or sale of property, or any grant of annuity, pension, or any compromise or commutation of tithes, rentcharge, rents, incomes, or debts, now due to or in possession of the aforesaid "Commissioners of Church Temporalities in Ireland" which shall take place or be effected by them from the  
30 *thirty-first December one thousand eight hundred and seventy-five* to the passing of this Act, shall be liable to the review and examination by the Commissioners now to be appointed by Her Majesty under this Act; and if it shall appear to them, after due inquiry, that any sales of property shall have been made corruptly, any  
35 commutation of tithe rentcharge or other debts to this fund shall have been compromised or commuted with the manifest intent of defrauding the fund placed in charge of the aforesaid Commissioners of Church Temporalities in Ireland, or if any leases of lands or of houses have been given with conditions and rents manifestly below  
40 the letting value, or any other contract, bargain, or arrangement which upon review shall appear to the Commissioners to be appointed  
[280.] A 3

Commissioners of Irish Church Temporalities to be appointed from unduly compromising or letting or selling property below fair value.

A.D. 1876.

by Her Majesty under this Act to be fraught with favouritism, or injustice to the fund, then the same shall be by the said Commissioners annulled and proceedings instituted *de novo* for the resumption of the land, houses, rents, debts, and rights, the same as if no such bargain, sale, contract, letting, commutation; compromise, or grant of annuity or pension had taken place, and any money paid into the hands or credit of the Commissioners for Irish Church Temporalities for any purpose above referred to or comprehended shall be returned to the payors or banked to their credit, and the Commissioners herein appointed shall resume full control over the same, nevertheless every obligation incurred by the said "Commissioners of Church Temporalities in Ireland" aforesaid, up to the *thirty-first day of December one thousand eight hundred and seventy-five*, is hereby acknowledged, recognised, and assumed by the Commissioners who shall be appointed by Her Majesty under the provisions of this Act.

Sale of tithes  
rentcharge  
to owners of  
land.

11. The Commissioners may at any time after their appointment sell any rentcharge in lieu of tithes vested in them under this Act to the owner of the land charged therewith, in consideration of a sum equal to *twenty-two and a half* times the amount of such rentcharge, and upon any such sale being so made the Commissioners shall by order declare the rentcharge to be merged in the land out of which it issued, and the same shall merge and be extinguished accordingly.

"Owner" for the purposes of this section shall mean the person for the time being liable to pay rentcharge in lieu of tithes under the provisions of the Act of the first and second years of the reign of Her present Majesty, chapter one hundred and nine.

Commissioners may  
purchase  
surrender or  
assignment of  
lease.

Power to  
Commissioners  
to sell property  
vested in  
them by this  
Act.

Orders of  
Commissioners  
operating as  
conveyance,  
&c., to be  
liable to same  
stamp duty.

12. The Commissioners may, in order to the commutation of tithe rentcharge, purchase the surrender or assignment of any subsisting lease of tithe rentcharge made by an ecclesiastical person or corporation, and may at any time after their appointment sell by public auction or private contract, or otherwise convert into money, any real or personal property vested in them by this Act, subject to the other provisions of this Act. Any person purchasing from the Commissioners shall hold the lands, tenements, and hereditaments purchased by him subject to all tenant's rights of renewal to which the same were subject in the hands of the Commissioners at the time of such sale. And every order of the Commissioners operating as a conveyance or mortgage of any property shall be deemed to be a conveyance or mortgage within the meaning of the Acts relating to stamps, and shall be chargeable with stamp



duty accordingly. All purchase moneys, rents, and other moneys whatsoever payable to the Commissioners under or by reason of any of the provisions of this Act shall be paid into such bank and be invested in such manner as may from time to time be determined by the Commissioners.

A.D. 1876.

Payment of money into bank.

13. The Commissioners appointed under this Act shall prepare in such form, and either annually or for such shorter periods as the Treasury may direct, accounts of the receipts and expenditure of the capital and of the revenues derived from all property, real and personal, vested in the Commissioners, or of any other funds falling under their control and management under the provisions of this Act; and within three months after the expiration of each year, or other shorter period to which the accounts relate, the Commissioners shall transmit the same to the comptroller and auditor-general to be audited, certified, and reported upon with reference to the provisions of this Act, and in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1888, for the rendering and auditing of appropriation accounts; and the accounts with the reports of the comptroller and auditor-general thereon, shall be laid before both Houses of Parliament not later than two months after the date on which they shall have been rendered for audit, if Parliament be then sitting, and if not sitting then within a week after it shall be next assembled: Provided always, that the expense of such audit shall be included in the incidental expenses herein-before mentioned of carrying this Act into execution, and shall be defrayed accordingly.

Accounts of capital and revenue.

14. Where the Commissioners sell any land or interest in land in pursuance of this Act, the Commissioners may credit the purchaser with such part of the purchase money, not exceeding three fourths parts, as they think proper, on having payment of the same, with interest at the rate of *five per centum* per annum, secured to the satisfaction of the Commissioners, and any such purchase money may be made payable by half-yearly instalments not exceeding *sixty-four* in number.

Power of Commissioners to accept mortgages as security for a portion of purchase money.

15. If in any case in which the Commissioners are by this Act authorised or directed to sell any property, it appears to them to be expedient that the same should be sold, or the sale thereof carried out in the Landed Estates Court in Ireland, it shall be lawful for the Commissioners so to declare by order, and to direct that such sale shall be effected or carried out by the said court, and thereupon

Sale of lands, &c., may be made in Landed Estates Court.

A.D. 1876. such sale shall be effected or carried out in and by the said court accordingly.

Provisions  
for other  
persons  
under dis-  
ability.

16. Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding under this Act is an infant, idiot, or lunatic, 5 the guardian or committee of the estate respectively of such person may make such applications, give such consents, do such acts, and be party to such proceedings as such person respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; 10 where there is no guardian or committee of the estate of any such person as aforesaid being infant, idiot, or lunatic, or where any person the committee of whose estates, if he were idiot or lunatic, would be authorised to act for and represent such person under this part of this Act, is of unsound mind or incapable of managing his 15 affairs, but has not been found idiot or lunatic under an inquisition, it shall be lawful for the Court of Chancery to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time to change such guardian, and where the court sees fit it may appoint a person to act as the next friend of 20 a married woman for the purpose of any proceeding under this Act, and from time to time remove or change such next friend.

Provision as  
to incapacitated owners.

17. If in any case any such landed property or building charge as is mentioned in this Act, is so circumstanced as that there is not in the opinion of the Commissioners any person competent to give 25 an effectual discharge for the compensation or amount payable in respect thereof, or if the person or any of the persons claiming to be entitled thereto do not deduce his or their title to the satisfaction of the Commissioners, or if any doubt or other difficulty whatsoever arise in relation to the premises, it shall be lawful for the Com- 30 missioners so to declare by order, and thereupon the compensation or amount so payable by the Commissioners shall be paid into the Bank of Ireland *ex parte* the Commissioners, to be dealt with in the same manner in which purchase money payable to parties under disability is paid into the Bank of Ireland, and dealt with in pur- 35 suance of the Land Clauses Consolidation Act, 1845, and in the construction of that Act, this Act shall for the purposes of this section be deemed to be the special Act.

Power to  
officers of  
Commis-  
sioners to

18. Any surveyor or other person employed by the Commissioners for the purpose of ascertaining the value of any land or buildings 40 which, or the reversion of which, may be vested in the Commis-

sioners under this Act, may enter upon such land or buildings, at all reasonable times during the day, upon making full compensation for any damage he may do, for the purpose of making a valuation of such land or buildings, or ascertaining the several matters and things necessary to be ascertained by the Commissioners for the purpose of carrying this Act into effect.

A.D. 1876.  
enter upon  
land.

*Power of the Commissioners to raise money.*

19. The Commissioners may, with the consent of the Commissioners of Her Majesty's Treasury, from time to time raise such sums of money as they may think expedient for the purpose of carrying into effect any of the provisions of this Act, and the Commissioners may give as security for the repayment of any moneys so raised, and of interest thereon, the whole or any part of the property vested in them by this Act, and the Commissioners for the Reduction of the National Debt, if they think fit, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time out of any money in their hands under the Act of the session of the twenty-sixth and twenty-seventh years of Her Majesty, chapter eighty-seven, "to consolidate and amend the laws relating to savings banks," or under the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty, chapter fourteen, "to grant additional facilities for depositing small savings at interest with the security of the Government for due repayment thereof," or under both those Acts, advance to the Commissioners, with such guarantee as is by this Act authorised (but not otherwise), the whole or any part or parts of the money which by this Act the Commissioners are authorised to raise.

Commissioners to  
raise money  
for the purposes  
of this  
Act.

Power to  
Treasury  
to advance  
money to  
Commissioners.

20. It shall be lawful for the Commissioners of Her Majesty's Treasury, if they think fit, from time to time to guarantee the payment of the principal and interest of all or any part of any money for the time being raised by the Commissioners in pursuance of this Act; and any security given by the Commissioners in pursuance of this Act shall be in such form, and may contain such powers of sale or otherwise, as the Commissioners of Her Majesty's Treasury may approve, and there shall be certified thereon, in such form as the said Commissioners of Her Majesty's Treasury may direct, the guarantee to be given by the last-mentioned Commissioners in pursuance of this Act.

Power for  
Treasury to  
guarantee  
advance to  
Commissioners.

Form of  
security and  
guarantee.

21. For the purpose of giving effect to the guarantee aforesaid, it shall be lawful for the Commissioners of Her Majesty's Treasury,

Guarantee to  
be based on  
Consolidated  
Fund.

A.D. 1876.

Repayment  
to Consolidated Fund.

from time to time, in aid of any money applicable under this Act for payment of principal and interest for the time being accrued due in respect of any moneys raised by the Commissioners in pursuance of this Act, to cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such sums as may be necessary for payment of the same principal and interest, or of any part thereof respectively; and in case any money is at any time issued out of the said Consolidated Fund in pursuance of the guarantee aforesaid, the Commissioners of Her Majesty's Treasury shall cause the same to be repaid to the said Consolidated Fund out of the funds in the hands of the Commissioners.

*Arbitration.*Rules as to  
arbitration.

22. Arbitrations under this Act shall be conducted in manner directed by "The Railway Clauses Consolidation Act, 1845," or under such rules as the Commissioners and the Privy Council of Ireland shall agree upon and mutually certify.

Commis-  
sioners under  
this Act to  
sell, and  
realise with-  
out undue  
sacrifice the  
assets con-  
fided to  
them.

23. The Commissioners under this Act shall, on entering upon their duties, take immediate action to bargain and sell by private sale, by auction, or through the Encumbered Landed Estates Court of Ireland, all lands, houses, tenements, tithe rentcharges, and other property now in their custody, and realise without undue sacrifice or detriment to the fund the residue of all property and income of the late Established Church which may be handed over to them by the aforesaid Commissioners of Church Temporalities in Ireland, making reasonable discounts, deductions, and abatements for present cash, and, conforming to the instructions of the Commissioners for the Reduction of the National Debt, pay such portion of the principal of the debt due to them by the dissolved corporation aforesaid by yearly or half-yearly instalments, as shall by said Commissioners be demanded in conformity with the provisions herein, videlicet, so that the original loan from the Commissioners for the Reduction of the National Debt to the Commissioners of the Irish Church Temporalities aforesaid, which was reported by them in December one thousand eight hundred and seventy-five at eight millions four hundred thousand pounds sterling, may be fully liquidated, principal and interest, within the space of thirty years, or sooner, if the Commissioners under this Act agreeing with the Commissioners for the Reduction of the National Debt shall see fit.

24. Having as aforesaid provided for the gradual liquidation by fixed half-yearly instalments of the debt due to the Commissioners for the Reduction of the National Debt, and provided also for the due payment of certain annuities granted and guaranteed before the thirty-first day of December one thousand eight hundred and seventy-five by the aforesaid Commissioners of the Irish Church Temporalities, it shall be lawful for the Commissioners under this Act, when their cash balance in bank derived from all sources after providing as aforesaid shall amount to *two hundred thousand pounds*, to proceed to carry into immediate operation the intention of Her most Gracious Majesty in appointing this Commission.

A.D. 1876.

When cash balance amounts to 200,000*l.* Commissioners to begin operations.

*Dwellings in Populous Places.*

25. When it shall be made known to the Commissioners under this Act, that in certain populous places in Ireland persons families are dwelling in huts unsuited for health, being deficient in room or sanitary convenience, they are hereby empowered to condemn to demolition all such unhealthy dens, and award and pay compensation to the owners of the spots of ground on which they stand to erect in their stead suitable dwellings for working people, and fix a fair rent for such dwellings and the lot on which they shall be erected, such rents to be collected by the Commissioners under this Act, and form part of its general fund.

Power to condemn unsuitable dwellings to demolition, and erect others in their stead.

*Waste Land Farms.*

26. It will be lawful for the Commissioners under this Act, when their funds accumulate as provided in section twenty-four, to commence operations by the purchase by compulsion of waste lands, subdividing of the same, erecting thereon dwellings of at least four good rooms each, suitable for persons of that class, who live by cultivating the land or by other kinds of manual labour, the cost of which parcel of land (never to exceed twenty statute acres), and the cost of erecting the dwelling thereon, shall, when the work is complete, be computed, and the rent to be fixed by tender as the annual rent, exclusive of all taxes and imposts, which the occupant of such dwelling and farm shall pay to the Commissioners, or their successors, as rent in two equal half-yearly instalments; and the tenant of said premises, whether for a house only or a house and farm, shall have given to him by the said Commissioners a Crown lease of said tenement at a tenure of nine hundred and ninety-nine years, with complete rights to any mines, minerals, quarries, timber, bog, or

Commissioners authorized to purchase the waste lands, and subdivide the same.

A.D. 1876.

game which may be found on the same; provided that this privilege of lease for nine hundred and ninety-nine years with royalty rights, shall not be conferred upon any tenant holding or renting from the Commissioners more than twenty acres of land, and the said Commissioners are hereby prohibited from granting lettings of farms 5 of over twenty statute acres to any person whatsoever.

"Waste  
land" de-  
fined.

27. "Waste land." Land shall be recognised as "waste" by the Commissioners under this Act, when it has remained for ten years previous to the *first of January one thousand eight hundred and seventy-six* totally unproductive under heads: 10

- (1.) When not cultivated with grain or vegetables:
- (2.) When value does not exceed five shillings per acre per annum:
- (3.) When not grazed by domesticated animals, such as kine, horses, sheep, asses, or swine.

When the  
Commissioners re-  
ceive a requisition from  
twenty per-  
sons they  
shall act.

28. When the Commissioners shall receive a requisition signed 15 by twenty inhabitants of any district in Ireland, calling their attention to any described tract of "waste land," they shall, by themselves, their agents and surveyors, examine the same, inquire fully into the previous history of the tract, its reputed owners, et cetera, et cetera, and if it appear to the Commissioners to be "waste or neglected 20 land or bog," according to the provision of clause twenty-seven of this Act, a report shall be prepared by the surveyor or other agent of the Commissioners, describing the land, and appending a faithful history of the same, its reputed owners, attested by oath before one or more of the Commissioners, whereupon the Commissioners in full court 25 shall formally condemn such land or bog as described, in a decree to be published in one or more newspapers published in the locality nearest to where said tract of land or bog is situated, and also three times in the Government Gazette at Dublin, and thereby shall be entitled to purchase from the owners of the said tract or tracts, 30 under Lands Clauses Consolidation Act, the amount of value shall be decreed to be paid to the claimants; a decree shall then be passed by the Commissioners in full court, condemning the tract of land or bog as "waste," and the said tract shall be appropriated and assumed by the Commissioners for the purposes of this Act, and the 35 decree of appropriation, with a statement of payments made to the owners by the Commissioners, together with a map of the tract or tracts so appropriated, shall be enrolled in the High Court of Chancery in Ireland, whereby the title to such tract of waste land or bog shall pass for ever to the Commissioners or their successors 40 under and for the sole purposes of this Act.

29. When any tract of land or bog in Ireland shall be thus appropriated to the purposes of this Act it shall then be measured and divided into "settlements," and these settlements shall again be subdivided into small farms, each ranging from ten to fifteen and twenty acres of land or bog, or both, as the case may be, the better the land the smaller to be the farm, arranged and divided specially to the necessities of affording openings for common roads and "rights of way," and also having regard to the general and common enjoyment by the inhabitants of the "settlement" of springs, brooks.

A.D. 1876.  
Organisation  
of "settle-  
ments" of  
cottagers.

30. When the tract of land or bog shall be thus measured, subdivided, and each subdivision staked off, it shall become the duty of the Commissioners, after due public announcements, to receive applications for the same at the rent affixed to each, and in awarding farms to applicants to give the preference to persons whose reputation for sobriety and industry shall be well attested by written certificates of character from respectable persons; and the several farms to be awarded shall be numbered each on one ticket, the same thrown into a closed bag or urn; each approved applicant shall then be at liberty to draw out one ticket from the bag or urn, and the farm on the map numbered, which corresponds with the number on the ticket so drawn by the applicant, shall be awarded to the drawer; and if more applicants of that character appear than the Commissioners shall have farms to let to all, then the selection shall be made by a lottery in the following manner: The names of each of the applicants shall be written on a card, those cards thrown into a bag, the number of farms at the disposal of the Commissioners announced, and tickets shall be drawn by a child to equal the number of farms or dwellings to be disposed of; those shall be announced who have won the privilege of obtaining the farm or dwelling, and be entitled to draw a particular farm or dwelling in the next ballot.

Dividing and  
letting the  
land.

31. The Commissioners are empowered to make contracts for the erection on those farms or in populous places of cottages of four good sized rooms each, suitable to the neighbourhood and the use of the persons who are expected to dwell therein, cottages which shall contain at least four apartments of twelve feet square and ten feet high each, to be built of tempered clay and covered with thatch or slates or tiles, in the manner customary in the part of the country where those lands are situate; or if in populous places these cottages are to be built of brick, stone, or cement, covered with slates or

May contract  
for the  
erection of  
cottages  
dwellings.

A.D. 1876.

tiles, and the Commissioners may make contracts for the erection of these cottages with the incoming tenants, or otherwise in their discretion, taking care to make cautious advances to the builders under the advice of their surveyor as the work proceeds in the erection of the same.

Fixing the  
rents of  
dwellings or  
ferms.

32. When all this shall be done, the cost of the building ascertained, a valuation of the farm in proportion to the original cost, and expenses on the whole tract shall be made, a result in a lump sum ascertained by the surveyor and accountants upon this lump sum, keeping in view the relative value of each farm, an annual rent shall be predicated per annum upon the joint pro-rata cost and value of the land, and the cost price of the building, and the result shall be the future rent of the land and dwelling, or dwelling only, as the case may be; rent shall not commence for one year after possession shall be given, payable thenceforward in half-yearly gales as may be fixed by the Commissioners.

Leases to  
tenants.

33. When the Commissioners shall select a tenant for a farm or a house as aforesaid, they shall grant to him a Crown lease of the premises, setting forth the rent as aforesaid, with a tenure of nine hundred and ninety-nine years, and the full enjoyment of quarries, mines, minerals, gravel, sand, timber, bog, springs, and game; also the privilege to be inserted in each lease of buying the fee simple right to the farm or dwelling at the rate of twenty-two and a half years purchase, that is, twenty-two and a half times the annual rent to be settled and arranged for payment of the said purchase money by such instalments as the Commissioners shall order; all tenants under the Commissioners must be liable to public taxes and poor rates of the county or district within which their premises lie, or "by-roads" to the public highway, no other obligation shall the tenants be harnessed with; and the tenants shall be prohibited by special clauses in all leases and deeds under penalties of forfeiture of rights in the premises, against sub-letting any portion of the premises leased or deeded to them by the Crown under this Act, except in cases of minors.

Accumulation  
of funds.

34. The rents of all tenements and lands, also all other incomes which shall come into the custody of the Commissioners, shall be carried to a central fund, to enable them and their successors to purchase waste and other lands under clauses twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, and thirty-two of this Act, and also to purchase lands by private bargain, by auction, in the Landed Estates Court, or otherwise, in any part of



Ireland, to subdivide, improve with good dwellings, and let the same to actual resident cultivators in farms containing not more than twenty acres to any one person, giving and granting leases as aforesaid for nine hundred and ninety-nine years with the reservations contained in clauses twenty-eight and thirty-two of this Act. Lessees not to be granted till tenant has been for three years in actual occupation.

A.D. 1876.

35. The Commissioners and their successors shall have power to receive bequests of money, of land, and buildings for the use of the purposes of this trust, and all such bequests and donations shall go towards their ever increasing funds, which shall be perpetuated for the high purpose of converting the land of Ireland into productive farms, and the wretchedness of its people into contented husbandmen.

Commissioners to have power to receive bequests of money and lands.

36. And to secure the active and continuous operations of the Commissioners who shall be appointed from time to time to perform the duties prescribed for them by this Act, it is hereby made a penal offence against the Crown in any Commissioner appointed under this Act to neglect or refuse to condemn as "waste land" any tract of land or bog, or any dwelling unsuitable for human habitation, which by the intention and provisions and clauses of this Act, in the plain and ordinary conception and requirements of his duty under this Act, ought to be condemned by him; for any such act of neglect or refusal proved by a common informer before any judge of assize and common jury of the district wherein lies the cause of offence, such Commissioner shall be fined one thousand pounds sterling, or twelve months imprisonment in the common gaol, and disqualification for office, half such fine to be paid to the informer or prosecutor, the remainder to go to the fund protected by this Act; and if any Commissioner or if the board of Commissioners shall, while having a cash balance at their command, in bank or otherwise, of two hundred thousand pounds sterling, neglect or refuse to operate diligently and continuously under this Act in the purchase of land, whether "waste" or otherwise, and subdividing and improving of the same, as herein provided, each such Commissioner or the whole three if agreeing to suspend or neglect operations as required herein, shall on information, the information and proof of a common informer, before any going judge of assize and common jury in Ireland, on conviction become subject to a fine of one thousand pounds each, or twelve months close imprisonment, as aforesaid, and the loss of office, and general disqualification for office in Her

Commissioners to continue in their duties under penalties.

A.D. 1876. — Majesty's dominions, half such fine to go to the informer or prosecutor, the remainder to be carried to the fund which this Act is intended to protect.

*Accounts to be submitted to the Comrs and to audit.* 37. The accounts of Commissioners duly vouched and sworn to, shall be made up to December in each year, and as speedily after as may be laid before the Crown and Parliament not later than the *twenty-fifth of March* in each year. 5

*Construction of Act.*

*Construction of Act.* 38. In the construction and for the purposes of this Act, the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant thereto, that is to say, "Commissioners" shall mean the Commissioners appointed by the Crown under this Act while in office; "lease" shall include an agreement for a lease or other contract of tenancy, and the estate or interest created or agreed to be created thereby; "property" shall include things in action, or rights of action; "jurisdiction" shall mean legal and coercive powers. 10 15

*Repeal of 82 & 83 Vict. c. 48.*

39. The Act thirty-second and thirty-third of Victoria, chapter forty-two, twenty-sixth July, A.D. 1869, commonly known as "An Act to put an end to the establishment of the Church of Ireland, and to make provision in respect of the temporalities thereof, and in respect of the Royal College of Maynooth," is hereby repealed, and of no further effect in law or equity. 20



Waste Lands and Peasants Dwellings  
(Ireland).

---

A

B I L L

To provide for the purchase of Waste Lands and the erection of Peasants Dwellings in Ireland out of the surplus funds of the Commissioners of Church Temporalities in Ireland.

*(Prepared and brought in by  
Mr. Digges, Mr. Corry, and Mr. O'Sullivan.)*

---

Introduced by The Hon. J. Conyngham, at the Printers,  
1 August 1876.

---

[Bill 250.]

[Order 3. oc.